

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

GARY MADSEN,

Plaintiff,

vs.

ALLSTATE VEHICLE AND PROPERTY  
INSURANCE COMPANY,

Defendant.

**4:21CV3094**

**FINAL PROGRESSION ORDER  
(AMENDED)**

IT IS ORDERED the plaintiff's unopposed motion to extend the unexpired progression deadlines is granted. (Filing No. 14). The final progression order is amended as follows:

- 1) The trial and pretrial conference will not be set at this time. The status conference set for April 12, 2022 to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings is continued and will be held with the undersigned magistrate judge on **September 13, 2022 at 10:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The parties do not anticipate the need to amend pleadings or add parties. The deadline for moving to amend pleadings or add parties is March 8, 2022.
- 3) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is June 13, 2022. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by June 27, 2022.

**Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 4) The deadlines for complete expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):

July 11, 2022.

For the defendant(s):

September 22, 2022.

Plaintiff(s)' rebuttal:

October 24, 2022.

- 5) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is September 1, 2022.
  - a. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group is 5.
  - b. Depositions will be limited by Rule 30(d)(1).
- 6) The deadline for filing motions to dismiss and motions for summary judgment is November 14, 2022.
- 7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is November 14, 2022.
- 8) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 9) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 10) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 28th day of January, 2022.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge